

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

In the Matter of )  
 )  
Modernizing the Form 477 Data Program ) WC Docket No. 11-10

**COMMENTS OF ALASKA COMMUNICATIONS**

Alaska Communications<sup>1</sup> hereby submits these comments in response to the Commission's Further Notice of Proposed Rulemaking (the "Further Notice")<sup>2</sup> in the above-captioned proceeding, seeking comment on proposals to improve the accuracy and utility of broadband deployment information collected in FCC Form 477, while reducing the burden of the collection on industry participants.<sup>3</sup>

Alaska Communications supports the Commission's goals to eliminate committed information rate ("CIR") data, and to change to an annual reporting cycle. Certain proposals in the Further Notice to increase the level of detail of the data collection, however, could substantially raise compliance costs while failing to advance the Commission's objective of improving the accuracy and utility of the data collected.

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<sup>1</sup> In these comments, "Alaska Communications" signifies the affiliates of Alaska Communications Systems Group, Inc. that report FCC Form 477 data to the Commission, ACS of Alaska, LLC, ACS of Anchorage, LLC, ACS of Fairbanks, LLC, and ACS of the Northland, LLC.

<sup>2</sup> *Modernizing the FCC Form 477 Data Program*, WC Docket No. 171-10, Further Notice of Proposed Rulemaking, 32 FCC Rcd 6329 (2017). On September 19, 2017 the Commission extended the comment deadline until October 9, 2017. *Modernizing the FCC Form 477 Data Program*, Order, WC Docket No. 171-10, DA 17-909 (Wireline Competition Bur. *et al.*, rel. Sept. 19, 2017). As October 9 is a federal holiday, these comments are timely filed as of October 10, 2017. See 47 C.F.R. §1.4(j).

<sup>3</sup> Further Notice ¶6.

### **Discussion**

*The collection of CIR data should be eliminated.* CIR data collected in connection with enterprise services is not a useful category of data, as acknowledged by the Commission, and the requirement to report it is burdensome to filers: “In our experience, the information collected for consumer/residential/mass market data already provides the necessary bandwidth data in each of these cases. The added CIR data for business/enterprise/government services do not appear to provide additional useful insight, while collecting these data as a separate category imposes an additional burden on filers.”<sup>4</sup>

The purpose of the Form 477 data collection is to provide the Commission with an understanding of what offerings are *readily available* to consumers, and whether competition among service providers is present, within a given geographic area.<sup>5</sup> While the Commission strives for accuracy, it also seeks to minimize the reporting burden on filers.<sup>6</sup>

The CIR requirement in Form 477 imposes a significant burden on filers with no apparent benefit to the Commission or consumers. To begin with, reporting companies must conduct a manual review of each business contract to determine if the contract calls for a “best efforts” level of service, or provides a service-level agreement. They then must report the “committed” information rate, which admittedly means two very different things between those two types of contracts.

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<sup>4</sup> Further Notice ¶31.

<sup>5</sup> *Local Competition and Broadband Reporting*, Report and Order, 15 FCC Rcd 7717, 7719 (2000).

<sup>6</sup> *Id.* at 7721.

Alaska Communications agrees with the proposal to discontinue reporting this data, and rely instead on price lists and similar sources of generally available terms for available speed in enterprise offerings.<sup>7</sup> Data reported on Form 477 should reflect terms that are “standard” offerings in any business contract or consumer order, without regard to special construction (which typically involves extra charges) or individually negotiated contract terms (which represent a relatively small minority of locations in any given census block), because these types of arrangements are not “readily available” to all customers. Information speeds therefore should be reported as generally offered by the service provider under “best efforts” terms and conditions. Alaska Communications supports the proposal that CIR data should no longer be collected.

*Form 477 should be filed once per year.* Alaska Communications strongly supports requiring Form 477 filings on an annual rather than semi-annual basis.<sup>8</sup> Reducing the data collection and reporting obligations from twice yearly to once a year would allow reporting entities to realize substantial savings, while the Commission ultimately would have access to all of the same information, only a portion of which would come in later than with semi-annual filing. By comparison, Connect America Fund (“CAF”) location information is required to be filed annually, and this data is rapidly changing as carriers are actively deploying broadband to unserved locations under FCC-imposed deadlines.

Rather than requiring that the data be submitted more frequently than once a year, what would make the data more *timely* would be for the Commission to release the results of these

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<sup>7</sup> Further Notice ¶31 (“We therefore propose to discontinue the collection of CIR data, and we seek comment on this proposal. We also seek comment on the best way to collect data reflecting the speeds offered to business/enterprise/government end-users in the absence of CIR data”).

<sup>8</sup> Further Notice ¶56.

filings more promptly following their receipt and compilation. If the Commission must process this information only once yearly, the Commission may be able to release its report on a more timely basis, consumer fewer resources in the aggregate.

For some tasks, reporting entities may see a slight increase in the cost *per filing* – researching a year’s worth of data logically could be expected to take longer than researching data from a six-month period. Nevertheless, by cutting the number of filings in half, the benefits over time would well outweigh the costs. In short, Alaska Communications supports reducing the burden of gathering and filing Form 477 data by moving to an annual filing.

Regarding the timing of an annual filing, Alaska Communications recommends that the Commission select October 1<sup>st</sup> as the deadline for all data for the 12 months ending the previous June 30<sup>th</sup>. In this way, the Form 477 filing will be less likely to occur when other major filings (such as tariffs and annual Connect America Fund reports) are due, but would remain timely.<sup>9</sup>

*Adding data below the census block level would be highly burdensome.* Alaska Communications opposes requiring the filing of Form 477 data below the census block level.<sup>10</sup> As the Commission has acknowledged, some census blocks in Alaska are atypically large but this is due to their extremely sparse population. Location identification has always been a challenge, as it continues to be for Alaska Communications today. Many such areas are not even on a road system but are reachable only by small plane, boat, barge or snow machine. In such low-density areas, it is not clear there is any benefit to be gained that would not be outweighed

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<sup>9</sup> Even with FCC regulatory fees coming due around the same time, a single filing due October 1<sup>st</sup> would be the least burdensome for telecommunications carriers.

<sup>10</sup> Further Notice ¶36.

by the considerable burden of annually gathering broadband deployment data at a sub-census block level.

Nor is identifying broadband availability by street address a workable solution, at least not in Alaska.<sup>11</sup> Detailed geopolitical maps have not been generally available from the state or federal government. Some boroughs do not maintain parcel records at all, while others have just begun mapping to their paper parcel records. Many customer locations do not even have street addresses, and when they do, federal, state and municipal records often are inconsistent.

The Commission observes that recipients of high-cost funding (such as Alaska Communications) recently have been required to identify specific locations where the funds have been used to deploy qualifying broadband, and this information has been useful to the Commission.<sup>12</sup> However, identifying customer locations by “geo-code” as required in the Connect America Fund (“CAF”) rules has proved extremely costly to Alaska Communications, requiring a considerable amount of manual effort to ensure consistency and accuracy. While this ultimately will have to be done for all CAF Phase II locations, it will be years before Alaska Communications can provide complete results for these locations. It is unclear when this type of exercise could be completed for non-CAF locations in Alaska Communications’ service areas. Alaska Communications therefore opposes requiring geo-coding of all locations where broadband is available.<sup>13</sup>

The Commission also is considering allowing 477 filers to provide broadband deployment information using geo-spatial data (such as polygons describing coverage areas

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<sup>11</sup> See *id.* ¶39.

<sup>12</sup> Further Notice ¶37.

<sup>13</sup> See Further Notice ¶40.

through shapefiles). Alaska Communications has the capability to provide shapefiles. For this information to be useful to the Commission, however, it would have to be received from all reporting entities in a format that consistently could be transferred to mapping software used by the FCC to define broadband network coverage areas. Alaska Communications opposes any rule that would mandate a new format merely for a regulatory reporting function, with no other discernible purpose.

### **Conclusion**

For the foregoing reasons, the Commission should move to annual Form 477 filings, eliminate CIR data collection, and avoid increasing the costs of reporting entities with sub-census block data collection.

Respectfully submitted,



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